

UNITED STATES DISTRICT COURT, OFFICE
DISTRICT OF MASSACHUSETTSFILED
2004 JUN 15 AM 11:38

UNITED STATES OF AMERICA,)
)
 v.) Criminal No. 03-10367-MEL
)
 JAMES T. RICHARDS,)

**GOVERNMENT'S MOTION FOR AN ORDER
REGARDING EXCLUDABLE TIME**

The United States of America, through its undersigned counsel, hereby moves pursuant to 18 U.S.C. § 3161 for an order excluding time from the period within which trial must commence under the Speedy Trial Act. In support of this motion, the United States sets forth the following:

- 1) On January 22, 2004, Magistrate Judge Dein ordered that the period of time between January 23, 2004 through March 23, 2004, be excluded from the time period within which trial must commence (Docket Entry No. 20).
- 2) On March 23, 2004, the United States moved for a competency evaluation of the defendant and the Court granted said motion.
- 3) The defendant was subsequently examined and a report was submitted to the Court and parties.
- 4) On May 14, 2004, the Court issued its findings that the defendant was competent to stand trial.
- 5) The time period between March 23, 2004 through May 14, 2004, would be excludable pursuant to 18 U.S.C. § 3161(h)(1)(A), which calls for exclusion of periods of "delay resulting from any proceeding, including any examinations, to determine the mental

competency . . . of the defendant."

6) During the excludable time period above, the defendant filed a *pro se* motion(s) to represent himself which, of course, could not be considered until a competency determination was made. As a result, proper consideration of the defendant's motion(s) began on May 15, 2004, and a hearing was set for June 8, 2004.

7) On June 8, 2004, this Court held a hearing and granted the defendant's motion to represent himself.

8) The time period between May 15, 2004 through June 8, 2004, would be excludable pursuant to 18 U.S.C. § 3161(h)(1)(F), which calls for exclusion of periods of "delay resulting from any pretrial motion, from the filing of the motion through the conclusion of the hearing on, or other prompt disposition of, such motion."

9) The United States will file another motion in the future to cover the time period after June 8, 2004, as there are similar grounds for exclusion of time based upon other outstanding motions that have been made by the parties.

Accordingly, based upon the foregoing reasons, the United States requests an order excluding the period of time from March 23, 2004 through June 8, 2004, from the time period within which trial must commence.

Respectfully submitted,

CHRISTOPHER A. WRAY
Assistant Attorney General
Criminal Division

By:


GEORGE D. TOSCAS
Trial Attorney
United States Department of Justice
(202) 616-0727

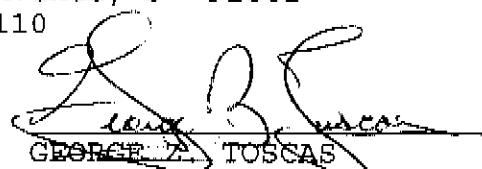
June 14, 2004

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the persons listed below a copy of the foregoing document by depositing in the United States mail a copy of same in an envelope bearing sufficient postage for delivery:

Defendant James T. Richards (Pro Se)
c/o Norfolk County Correctional Center
200 West Street
P.O. Box 149
Dedham, MA 02027

Miriam Conrad, Esq. (Stand-by counsel)
Federal Defender Office
408 Atlantic Avenue, 3rd Floor
Boston, MA 02110


GEORGE D. TOSCAS
TRIAL ATTORNEY

June 14, 2004